

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

**In re: Valsartan Products Liability  
Litigation**

MDL No. 2875

This document relates to:

Case No: -CV-  
Plaintiff 1: Thomas DeClerk

Plaintiff 2: Phyllis DeClerk

Plaintiff 3:

Plaintiff 4:

Honorable Robert B. Kugler,  
District Court Judge

Honorable Joel Schneider,  
Magistrate Judge

**SHORT FORM COMPLAINT**

Plaintiff(s) file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint and Jury Demand in In re: Valsartan Products Liability Litigation*, MDL 2875 in the United States District Court for the District of New Jersey, Camden Vicinage. Plaintiff(s) file this Short Form Complaint as permitted by Case Management Order Nos. 3, 9, and 13 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint and Jury Demand*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

**IDENTIFICATION OF PARTIES**

**I. IDENTIFICATION OF PLAINTIFF(S)**

**1. Name of individual who alleges injury due to use of a valsartan-containing drug:**  
Thomas DeClerk

Plaintiff 1:

Plaintiff 2: Phyllis DeClerk

Plaintiff 3:

Plaintiff 4:

2. This claim is being brought on behalf of

Myself

Someone else

a. If I checked, "someone else", this claim is being brought on behalf of:

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b. My relationship to the person in 2(a) is:

3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium:

Phyllis DeClerk

4. County and state of residence of Plaintiff or place of death of Decedent:

County: Pulaski

State: AR

5. If a survival and/or wrongful death claim is asserted:

a. Name of the individual(s) bringing the claims on behalf of the decedent's estate, and status (i.e., personal representative, administrator, next of kin, successor in interest, etc.):

Name of the Individual(s)	Status

## II. IDENTIFICATION OF DEFENDANTS

### 6. Plaintiff(s) bring claims against the following Defendants:

(\*Defendants with asterisks next to their names have been dismissed pursuant to a dismissal and tolling stipulation entered by the Parties. By checking the box next to any asterisked Defendant(s), Plaintiff thereby represents that he or she would have brought an action against said Defendant(s) but for the dismissal and tolling stipulation.)

#### i. API Manufacturers

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	API Manufacturer	Aurobindo Pharma, Ltd.	Foreign
<input checked="" type="checkbox"/>	API Manufacturer Parent Corporation	Hetero Drugs, Ltd.	Foreign
<input checked="" type="checkbox"/>	API Manufacturer	Hetero Labs, Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	Mylan Laboratories Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer Parent Corporation	Mylan N.V.	Foreign
<input type="checkbox"/>	API Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input type="checkbox"/>	API Manufacturer	John Doe	N/A

#### ii. Finished Dose Manufacturers

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	Finished Dose Manufacturer	Arrow Pharm (Malta) Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Aurolife Pharma, LLC	NJ
<input type="checkbox"/>	Finished Dose Manufacturer	Hetero Labs, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Mylan Pharmaceuticals Inc.	WV
<input type="checkbox"/>	Finished Dose Manufacturer	Teva Pharmaceutical Industries, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Torrent Pharmaceuticals, Ltd.	Foreign
<input type="checkbox"/>	Finished Dose Manufacturer	Zhejiang Huahai Pharmaceutical Co., Ltd.	Foreign
<input checked="" type="checkbox"/>	Finished Dose Manufacturer	John Doe	N/A

*iii. Repackagers, Labelers, and Distributors*

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	<b>Labeler/ Distributor</b>	Aceteris, LLC	NJ
<input type="checkbox"/>	<b>Finished Dose Distributor</b>	Actavis, LLC	NJ
<input type="checkbox"/>	<b>Finished Dose Distributor</b>	Actavis Pharma, Inc.	NJ
<input type="checkbox"/>	<b>Rpackager</b>	A-S Medication Solutions, LLC*	NE
<input type="checkbox"/>	<b>Finished Product Distributor</b>	Aurobindo Pharma USA, Inc.	NJ
<input type="checkbox"/>	<b>Rpackager</b>	AvKARE, Inc.	TN
<input type="checkbox"/>	<b>Rpackager</b>	Bryant Ranch Prepack, Inc.*	PA
<input type="checkbox"/>	<b>Labeler/Distributor</b>	Camber Pharmaceuticals, Inc.	NJ
<input type="checkbox"/>	<b>Parent Company for The Harvard Drug Group, L.L.C. d/b/a Major Pharmaceuticals</b>	Cardinal Health, Inc.	OH
<input type="checkbox"/>	<b>Rpackager</b>	The Harvard Drug Group, LLC d/b/a Major Pharmaceuticals*	MI
<input type="checkbox"/>	<b>Rpackager</b>	H J Harkins Co., Inc.*	CA
<input type="checkbox"/>	<b>API Distributor</b>	Huahai U.S. Inc.	NJ
<input type="checkbox"/>	<b>Rpackager</b>	Northwind Pharmaceuticals*	IN
<input type="checkbox"/>	<b>Rpackager</b>	NuCare Pharmaceuticals, Inc.*	CA
<input type="checkbox"/>	<b>Rpackager</b>	Preferred Pharmaceuticals, Inc.*	CA
<input type="checkbox"/>	<b>Rpackager</b>	RemedyRepack, Inc.	PA
<input type="checkbox"/>	<b>Finished Dose Distributor</b>	Solco Healthcare U.S., LLC	NJ
<input type="checkbox"/>	<b>Finished Dose Distributor</b>	Teva Pharmaceuticals USA, Inc.	PA
<input type="checkbox"/>	<b>Finished Dose Distributor</b>	Torrent Pharma, Inc.	NJ
<input checked="" type="checkbox"/>	<b>Labeler/Distributor/Rpackager</b>	John Doe	N/A

*iv. Wholesaler Defendants*

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	<b>Wholesaler</b>	AmerisourceBergen Corporation	PA
<input type="checkbox"/>	<b>Wholesaler</b>	Cardinal Health, Inc.	OH
<input type="checkbox"/>	<b>Wholesaler</b>	McKesson Corporation	TX
<input checked="" type="checkbox"/>	<b>Wholesaler</b>	John Doe	N/A

*v. Pharmacies*

	Defendant Role	Defendant Name	HQ States
<input type="checkbox"/>	<b>Pharmacy</b>	Albertsons Companies, LLC	ID
<input type="checkbox"/>	<b>Parent Corporation for Express Scripts, Inc. and Express Scripts Holding Co.</b>	Cigna Corporation	CT
<input checked="" type="checkbox"/>	<b>Pharmacy</b>	CVS Health	RI
<input type="checkbox"/>	<b>Parent Corporation for Express Scripts, Inc.</b>	Express Scripts Holding Company	MO
<input type="checkbox"/>	<b>Pharmacy</b>	Express Scripts, Inc.	MO
<input type="checkbox"/>	<b>Parent Corporation for Humana Pharmacy, Inc.</b>	Humana, Inc.	KY
<input type="checkbox"/>	<b>Pharmacy</b>	Humana Pharmacy, Inc.	KY
<input checked="" type="checkbox"/>	<b>Pharmacy</b>	The Kroger Co.	OH
<input type="checkbox"/>	<b>Pharmacy</b>	OptumRx	CA
<input type="checkbox"/>	<b>Parent Corporation for OptumRx</b>	Optum, Inc.	MN
<input type="checkbox"/>	<b>Pharmacy</b>	Rite Aid Corp.	PA
<input type="checkbox"/>	<b>Parent Corporation for OptumRx and Optum, Inc.</b>	UnitedHealth Group	MN
<input type="checkbox"/>	<b>Pharmacy</b>	Walgreens Boots Alliance	IL
<input type="checkbox"/>	<b>Pharmacy</b>	Wal-Mart, Inc.	AR
<input type="checkbox"/>	<b>Pharmacy</b>	John Doe	N/A

*vi. FDA Liaisons*

	Defendant Role	Defendant Name	HQ States
<input checked="" type="checkbox"/>	FDA Liaison	Hetero USA, Inc.	NJ
<input type="checkbox"/>	FDA Liaison	Prinston Pharmaceutical Inc.	NJ
<input checked="" type="checkbox"/>	FDA Liaison	John Doe	N/A

III. JURISDICTION AND VENUE

7. Jurisdiction is based on:

Diversity of Citizenship  
 Other as set forth below:

8. Venue: District and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint, absent the Direct Filing

Order entered by this Court: Eastern \_\_\_\_\_ District of AR \_\_\_\_\_

IV. PLAINTIFF'S INJURIES

9. Injuries: Plaintiff was diagnosed with the following type of cancer:

<input type="checkbox"/>	Liver	<input type="checkbox"/>	Kidney
<input type="checkbox"/>	Stomach	<input type="checkbox"/>	Colorectal
<input type="checkbox"/>	Pancreatic	<input checked="" type="checkbox"/>	Esophageal
<input type="checkbox"/>	Small Intestine	<input type="checkbox"/>	Other:

**CAUSES OF ACTION**

10. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

11. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by Plaintiff(s):

Count I: Strict Liability – Manufacturing Defect  
 Count II: Strict Liability – Failure to Warn  
 Count III: Strict Liability – Design Defect  
 Count IV: Negligence  
 Count V: Negligence Per Se  
 Count VI: Breach of Express Warranty  
 Count VII: Breach of Implied Warranty  
 Count VIII: Fraud  
 Count IX: Negligent Misrepresentation  
 Count X: Breach of Consumer Protection Statutes of the state(s) of:

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Count XI: Wrongful Death  
 Count XII: Survival Action  
 Count XIII: Loss of Consortium  
 Count XIV: Punitive Damages  
 Other State Law Causes of Action as Follows:

12. **Fraud Count:** Plaintiff adopts, incorporates and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Fraud Count must be set forth here:

13. **Express Warranty Count:** Plaintiff adopts, incorporates, and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Express Warranty Count must be set forth here:

14. Plaintiff(s) further bring claims against the following additional Defendants who are not listed above, and such claims are based upon the following grounds:

Defendant	Grounds

Defendant	Grounds

**WHEREFORE**, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the Plaintiffs' Master Long Form Complaint in MDL 2875 in the United States District Court for the District of New Jersey.

01/22/2021

Date

Robert A. Schwartz

/s/

Robert A. Schwartz

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